

### **REMARKS**

Claims 1 through 13 remain in this application. Claim 10 has been amended.

In the Office Action, the Examiner:

Rejected Claims 1-13 under 35 USC § 103(a) as being unpatentable over Angles (5,933,811.)

### **Claim Rejections-35 USC § 103**

The Examiner rejected claims 1-13 as being unpatentable over Angles (5,933,811).

#### **Claim 1**

Examiner rejected claim 1 as being unpatentable over Angles (5,933,811). Claim 1 recites “creating identifying indicia upon the transmission of the data interface to the user computer.” Claim 1 clearly teaches the dynamic creation of identifying indicia. The identifying indicia of claim 1 comprise of the user identification code and the advertiser code. In contrast, Angles does not teach or suggest the dynamic generation of identifying indicia. Rather Angles teaches the transmission of a static member code that is retrievably stored in the user computer in the form of cookies and is retrievable by the advertisement provider as and when the user executes an advertisement request. (See Column 8, lines 8-13). This static member code under Angles is created when the consumer computer registers with the advertisement provider computer (Column 16, lines 57-67.)

Furthermore, claim 1 recites the limitation of “transmitting a second user code to the provider computer.” According to the present invention, the second user code may comprise of the user’s IP address, time stamp, or any combination, including, but not limited to, a user IP

address and a time stamp. (Specification Page 11, lines 5-10.) This limitation is also not taught or suggested by Angles because Angles only teaches the transmission of the static member code from the user computer to the provider computer. (Column 8, lines 8-13). No other transmission of dynamically generated code is either taught or suggested by Angles. Thus the present invention is not in any way rendered obvious by Angles. Accordingly, Applicants respectfully suggest that the § 103 (a) rejection to claim 1 be withdrawn and an indication of allowance be made.

### **Claims 2-6**

The Examiner also rejected claims 2-6 as being obvious over Angles under 35 USC § 103(a). Claims 2-6 are dependent from Claim 1. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 1. Consequently, dependent claim 2-6 are not rendered obvious under Angles. In light of the above, Applicant respectfully requests that § 103(a) rejection to claims 2-6 be withdrawn and an indication of allowance be made.

### **Claim 7**

Examiner rejected claim 7 as being unpatentable over Angles (5,933,811). Claim 7 recites the limitation of an identifying indicia generator that generates a confirmation code comprising a dynamically generated first user code. As discussed earlier, the present invention discloses the dynamic generation of a confirmation code as soon as an advertisement is downloaded on the user computer (Specification Page 11, lines 11-20.) In contrast, Angles does not teach or suggest the dynamic generation of a confirmation code. Angles merely teaches the transmission of a static member code that is retrievably stored in the user computer in the form of cookies and is retrievable by the advertisement provider (Column 8, lines 8-13).

Accordingly, Applicants respectfully suggest that the § 103 (a) rejection to claim 7 be withdrawn and an indication of allowance be made.

### **Claim 8**

The Examiner also rejected claim 8 as being obvious over Angles under 35 USC § 103(a). Claim 8 is dependent from Claim 7. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 7. Consequently, dependent claim 8 is not rendered obvious under Angles.

Furthermore, claim 8 teaches the limitation of a dynamically generated second user code that may comprise of the user's IP address, time stamp, or any combination, including, but not limited to, a user IP address and a time stamp. (Specification Page 11, lines 5-10.) However, Angles does not teach or suggest the limitation of a dynamically generated second user code. Rather Angles merely teaches the transmission of a user code stored in the form of cookies on the user computer and retrieving this code in response to an advertisement request.

In light of the above, Applicant respectfully requests that § 103(a) rejection to claim 8 be withdrawn and an indication of allowance be made.

### **Claim 9**

Examiner rejected claim 9 as being unpatentable over Angles (5,933,811). Claim 9 recites the limitation of "creating a confirmation code upon the transmission of the advertisement to the user computer." According to the present invention this confirmation code is a combination of the dynamically generated user identification code and advertiser code. When the user actually clicks on the advertisement, the confirmation code is transmitted to the provider computer. In contrast, Angles does not teach or suggest the dynamic generation of a

confirmation code as soon as the advertisement downloads on the user computer. Rather Angles teaches the transmission of a static member code that is stored in the user computer in the form of cookies and is retrievable by the advertisement provider. (Column 8, lines 8-13). In other words, Angles teaches the transmission of the static member code stored in cookie form from the user computer to the provider computer and does not teach or suggest the dynamic generation of a confirmation code upon the transmission of the advertisement to the user computer.

Further, claim 9 discloses the limitation of “transmitting a second user code generated by the transmission protocol to the provider computer.” This limitation is also not taught or suggested by Angles because Angles discloses transmission of the static member code alone from the user computer to the provider computer. (Column 8, lines 8-13). Angles does not teach or suggest the dynamic generation of a second user code as claimed in claim 9.

In light of the above, Applicant respectfully requests that § 103(a) rejection to claim 9 be withdrawn and an indication of allowance be made.

#### **Claims 10-11**

The Examiner also rejected claims 10-11 as being obvious over Angles under 35 USC § 103(a). Claims 10-11 are dependent from Claim 9. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 9. Consequently, dependent claims 10-11 are not rendered obvious under Angles. In light of the above, Applicant respectfully requests that § 103(a) rejection to claims 10-11 be withdrawn and an indication of allowance be made.

#### **Claims 12-13**

The Examiner also rejected claims 12-13 as being obvious over Angles under 35 USC § 103 (a). Claims 12-13 are dependent from Claim 11. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 11. Consequently, dependent claims 12-13 are not rendered obvious under Angles. In light of the above, Applicant respectfully requests that § 103(a) rejection to claims 12-13 be withdrawn and an indication of allowance be made.

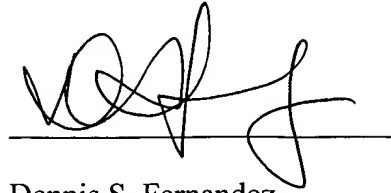
### **CONCLUSION**

In view of the foregoing, the Applicant believes that all of the claims are now in condition for allowance and respectfully request the Examiner to issue a timely Notice of Allowance in this case. If for any reason, the Examiner believes any of the claims are not in condition for allowance, he is encouraged to call the undersigned attorney at 650-325-4999 so that any remaining issues may be resolved.

The above changes are believed not to add new matter, as support is found in the specification as described above.

Claims 1-13 remain in this application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dennis S. Fernandez', is written over a horizontal line.

Dennis S. Fernandez

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